

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1-23 are currently pending in the present application. In this Amendment "B", claims 1, 3, 16 and 18 have been amended. Reconsideration of the application in its current form is respectfully requested.

In the Office action, the Examiner has found that the subject matter of the application admits of illustration by a drawing to facilitate understanding of the invention. In accordance with this finding, the Examiner is requiring the Applicant to furnish a drawing. In response to this requirement, Applicant includes herewith a drawing. Applicant has also amended the specification to describe the drawing and to add a paragraph **[0038]** referring to the drawing and describing the steps shown therein. All of the information contained in the drawing and in the added paragraph **[0038]** was contained in the specification as filed. Accordingly, no new matter is being added.

The Examiner has objected to the abstract for being verbose. In response, Applicant has amended the abstract to be within the 150 word limitation.

The Examiner has objected to claims 1 and 6 for not having proper antecedent basis for the recitation "the acquisition of information". In response, Applicant has amended claims 1 and 6 to instead recite "acquiring information".

The Examiner has rejected claims 1-23 under 35 U.S.C. §112, first paragraph for lack of enablement and failure to provide best mode of the invention. It appears that the genesis of this rejection is the recitation in claims 1 and 16 of "substantially stationary transmitting stations". In response to the Examiner's rejection, Applicant

has amended claims 1 and 16 to read "stationary transmitting stations". Applicant submits that claims 1-23 meet the requirements of 35 U.S.C. §112, first paragraph and notice to that effect is hereby requested.

The Examiner has rejected claims 1-23 under 35 U.S.C. §101 because it is the Examiner's opinion that "the claimed invention is not supported by either a specific or substantial asserted utility or a well established utility". Applicant is not clear as to why the Examiner has made this rejection. It appears that this rejection is also related to the recitation in claims 1 and 16 of "substantially stationary transmitting stations", which as set forth above has been amended to read "stationary transmitting stations". Thus, if this recitation is the grounds for the Examiner's §101 rejection, the grounds for §101 rejection have now been removed. Regardless, Applicant asserts that specific and substantial uses of the claimed invention are set forth throughout the specification of the present application and are manifestly evident. Providing a user with a method and system for acquiring information from a database that is pertinent to the location of the user reduces the amount of superfluous information that is provided to the user, which is clearly advantageous. Examples of specific and substantial uses of the claimed invention are set forth in paragraphs [0031] and [0036] of the specification, namely avoiding traffic jams and finding parking spaces and finding a particular train and booking passage on said train.

Based on the foregoing, Applicant submits that claims 1-23 fully meet the requirements of 35 U.S.C. §101 and Applicant respectfully requests notice to that effect.

The Examiner has rejected claims 1-23 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,543,789 to Behr et al. For at least the reasons set forth below, Applicant traverses this rejection.

The Behr et al. patent discloses a method and a system for providing route guidance information from a base unit 12 to a remote unit, such as a laptop personal computer 18. A query message 120 is formed at the remote unit and includes an identifier field 134, a latitude field 136 and a longitude field 138. The query message 120 is transmitted to the base unit 12. In response to the query message 120, the requested route guidance information is calculated at the base unit 12 by a route calculator 66 using a map database 72. The calculated route guidance information is then transmitted from the base unit 12 to the remote unit. The Behr et al. patent discloses that the laptop PC 18 has a position locator 42 that provides the geographical position of the laptop PC18. Beginning in column 6, line 65, the Behr et al. patent states that *"the position indicator 42 may perform RF (radio frequency) triangulation or may be responsive to GPS (Global Positioning System), LORAN C signals or other satellite positioning systems for providing latitude and longitude positioning information."*

In rejecting claims 1-23, the Examiner finds that the latitude field 136 and the longitude field 138 of the system of the Behr et al. patent correspond to the "location data" recited in independent claims 1 and 16. As set forth above, however, the longitude and latitude information of the remote unit in the system of the Behr et al. patent is obtained from the position indicator 42, which uses a separate system, such as GPS, LORAN or an RF triangulation system to determine the longitude and latitude of the remote unit. In contrast, the present invention determines the location of the user terminal using the identity or location of one or more transmitting stations

within the communication network that is/are in contact with the user terminal. Thus, the present invention uses only one communication system to both transmit messages and to determine the location of the user terminal. The present invention does not utilize a separate positioning system, such as GPS or LORAN, which is required by the system of the Behr et al. patent. Thus, Applicant submits that the Behr et al. patent fails to show or suggest (with emphasis added):

the step of "*determining location data defining the location of the user terminal based on at least one of the **identity or the location of a transmitting station of the communication network***", as is presently recited in amended independent claim 1; and

"*means for generating or acquiring location data defining the location of the user terminals based on at least one of the **identity or the location of a transmitting station of the communication network***", as is presently recited in amended independent claim 16.

For at least the foregoing reasons, Applicant submits that the Behr et al. patent fails to show or suggest amended independent claims 1 and 16. Applicant considers it apparent that the Behr et al. patent also fails to show or suggest claims 2-15 and 17-23 since they all depend from claim 1 or claim 16 and recite additional novel features of the present invention.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 18-0160, our Order No. FRR-12507.

Respectfully submitted,

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